

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

FILED  
CHARLOTTE, NC  
NOV 16 2010  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

Clarence L. Barber

PLAINTIFF,

vs.

COMPLAINT

(42 U.S.C. §1983, §1985)

City of Charlotte (Citizens Review Board)  
Charlotte Mecklenburg Police Department

CASE NO. 3:10-CV-581

DEFENDANT(S).

A. JURISDICTION

Jurisdiction is proper in this court according to:

- a. ☒ 42 U.S.C. §1983  
b. ☒ 42 U.S.C. §1985  
c. ☒ Other (Please Specify) Civil Rights Violations

B. PARTIES

1. Name of Plaintiff:  
Address:

Clarence L. Barber  
416 Shorthills Dr.  
Charlotte, NC 28217

2. Name of Defendant:  
Address:

City of Charlotte (Citizens Review Board)  
Charlotte Mecklenburg Police Department  
Charlotte Mecklenburg Police Department Officers

Is Employed as \_\_\_\_\_ at \_\_\_\_\_  
(Position/Title, if any) (Organization)

**From:** CountBlaze@aol.com  
**To:** CountBlaze@aol.com  
**Subject:** Right One Court  
**Date:** Mon, Nov 15, 2010 2:49 pm

---

**B. PARTIES (Continued)**

Was the Defendant acting under the authority or color of state law at the time these claims occurred ? (Continued)

**2. A.A. Holding Badge # 4062**

(Yes) Because, I was caused to be deprived of my rights/privilege that is secured and protected by the U.S.A. Constitution (Amendment#2) and Laws of the North Carolina Constitution (Section #14), (Section #19), (Section #21) and also (Section #31) And officer A.A. Holding committed the harm caused to me, Beyond the bounds of his lawful authority. By (1) Pulling up to my home with no headlights nor blue lights flashing on his patrol car and threatening me with a gun to come to the top of my driveway and handcuffing me with no reason to do so. And then on top of that assaulting and battering me in front of my home with me having not done any resisting towards him at all. Also opening and searching a parked car at my residence and also the property as well. And I have witnesses to these events as well. And also (kidnapping) me from my residence, I say [kidnapping me] because I was never told why I was being taken to jail or arrested, until I got a the chance to see the magistrate at the jail and given copies of the charges he had than filed against me.

I also was refused medical treatment at the Charlotte Mecklenburg jail for the injuries I sustained in front of my home due to officer Holding upon arriving at the jail ..... I only had one encounter with officer A.A. Holding before these events took place which was about two weeks prior around Thanksgiving Time of the Year, Which I had a witness to this event with me at time also, when officer Holding approached me in his patrol car while I was about to pump gas in the car I was driving . Officer Holding also charged me with this crime (Carrying Concealed Weapon) and the others (willful wanton disregard/ reckless driving) without me having a Gun on me nor even being in a vehicle, while knowing that a person has to have a concealed weapon on their person to be charged with a "Carrying A Concealed Weapon" {Subchapter 9} (Article 35) Statue 14-269 (a)and (a1) (1)

Was the defendant acting under the authority of color of state law at the time these claims occurred ?  
(Continued)

**3. J.B Wilson Badge # 4094**

(Yes) Because, Officer Wilson was officer Holding back up called, well first to respond and get to my home/residence the night of December 7, 2008 around 12:00am and when he arrived he witnessed officer Holding search my person (My Belongings) and knew for a "FACT" that I had no weapon on me/my person and knew/witness when I told officer Holding that my weapon/gun was on the white car/vehicle in my yard/property where I was smoking the cigarette when he pulled up to my residence, when he(officer Holding) first came onto my property with a gun drawn on me and told me to come to the top of my driveway and then also watched officer Holding while he assaulted and battered me in front of my home and did nothing to stop it, knowing that I had not resisted officer Holding and then lied/not told the truth about it when he did his report on what happened the night of December 7, 2008

Was the defendant acting under the authority or color of law at the time these claims occurred ?  
(Continued)

**4. P.N. Hildenbrand(Captain or Sergeant) Badge # 1085**

(Yes) Because, I was told to go see the supervisors over theses officers by "Internal Affairs" which were (officer Holding and Wilson) and I was told by officer " Hildenbrand, that He Could give a "F" about what happened to me in front of my home, well Care less about what happened to me in front of my home and I

respected him for that at that time, because he didn't waste me time nor breath .... But he(officer Hildenbrand) at the same time knew the facts of this matter and refused to do anything about it ..... And also witnessed officer Malone take down my information but refuse to take my statement , which were my home telephone number and my home address to get back in contact with me so that he could get in touch with my witnesses from the night of December 7, 2008 and interview them, which never happened as well.

#### B. PARTIES (Continued)

Was the defendant acting under the authority or color of law at the time these claims occurred ?  
(Continued)

##### 5. Officer Malone(Captain or Sergeant) Badge # 0944 "I think Not Sure" (He refused to Give it to me)

(Yes) Because, I met with him "officer Malone", when I was told to go and talk with the Supervisors/Captain or Sergeant of the officers Holding and Wilson by (Internal Affairs) and he(officer Malone) was the officer who took down my information and never interviewed my witnesses to the matter of what happened on December 7, 2008 at my home, but then put down in document that he did, which was a LIE/ well not the truth. And also was aware of what happened at my home and that I had witnesses. And also too refused to do anything about it, well his job.

Was the defendant acting under the authority or color of law at the time these claims occurred ?  
(Continued)

##### 6. "Chief Rodney Monroe" Of Charlotte Mecklenburg Police Department

(Yes) Because, I had than been trying to get in contact with him since this whole incident occurred, only to keep being told that he would return my calls and then a year after calling time after time later being told by his secretary that the Chief doesn't deal with matters of police misconduct, and then never hearing from him at all period. But at the same time I'm being told this, All the paper work I'm receiving from (Internal Affairs) has Sincerely, Rodney D. Monroe on the Paper Work/Documents and then when I had a meeting with the (Citizens Review Board Of the City Of Charlotte) They tell me that they have to get in touch with the Chief Of Police and Make a Decision..... So therefore (Chief Rodney Monroe) had to be aware of what was going on with my Situation and also refused to anything about it nor to help me or even to return a phone call at the least . Which caused my rights to be violated even more than they were from the start of this ordeal ..... Which he could have Stopped from becoming worse !

Was the defendant acting under the authority or color of law at the time these claims occurred ?  
(Continued)

##### 7. City Of Charlotte ( Citizens Review Board )

(Yes) Because I had filed notice of a Appeal with the City Of Charlotte ( Citizens Review Board ) and had a Meeting with them as well, and the Board knew of all the facts that surrounded the incident that occurred at my home on December 7, 2008 and the events that took place after I filed a complaint with Internal Affairs on January 8, 2009 and they as well decided not to do anything about the matter, which caused me to suffer more harm than what I had, from Charlotte Mecklenburg Police Officers and they all that was on the Board knew that I never had Carried a Concealed Weapon and that I Should have never been Charged with any Crime and that officer Holding should have never been on my Property and They Also refused to do Anything about the Matter that was at hand ....

**Was the defendant acting under the authority or color of state law at the time these claims occurred?**

YES ☒ NO ☐. If your answer is "YES" briefly explain.

---

---

---

3. Name of Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is Employed as \_\_\_\_\_ at \_\_\_\_\_  
(Position/Title, if any) (Organization)

**Was the defendant acting under the authority or color of state law at the time these claims occurred?**

YES ☐ NO ☐. If your answer is "YES" briefly explain.

---

---

4. Name of Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is Employed as \_\_\_\_\_ at \_\_\_\_\_  
(Position/Title, if any) (Organization)

**Was the defendant acting under the authority or color of state law at the time these claims occurred?**

YES ☐ NO ☐. If your answer is "YES" briefly explain.

---

---

**(Use additional sheets if necessary.)**

**From:** CountBlaze@aol.com  
**To:** CountBlaze@aol.com  
**Subject:** Right One Court  
**Date:** Mon, Nov 15, 2010 2:57 pm

---

### C. NATURE OF CASE

Why are you bringing this case to court ? Please explain the circumstances that led the problem.  
(Continued)

I'm bringing this case to court for the following reasons;

- 1) Well first, I only had seen this Officer (A. A. Holding) one time before in my life and all He asked me the first time I ever Seen him was "What kind of Gun/Weapon You/I Have/had" . And Then he Proceeded to pull Off an Leave In his(officer Holding) patrol Car (around the End Of November)..... And Then He(officer Holding) Shows Up in the middle of the night at My Home December 7, 2008 With No Headlights or Blue Lights Running On His Patrol Car and Threatens Me, Well Pulls His Gun On Me While I Was standing in My Yard ..
- 2) I am seeking Justice
- 3) Cause I have tried every other option to receive some kind of justice, only to have those such as ( Internal Affairs, City Of Charlotte Citizens Review Board, the Office Of Chief Of Police Of Charlotte "Rodney Monroe", and also trying to Contact the City Of Charlotte City Console and Mayor of Charlotte, Which at the time was Pat McCorry. And I have still have been a Subject of harassment still to this day Because nobody has been willing to anything about the situation, I still have in my Life.
- 4) To at least try to put an End to this type of Behavior from Law enforcement and Law Officials and those who have the authority to stop these kinds of things from going on and still allow them to exist and remain apart of the Publics Atmosphere and lives.
- 5) To try to keep what Happened to me from Happening to anybody else and the next time Someone Complains about something happening to them, the authorities will at least look into what happened, rather than lying that they did/have and just bushing it under the rug, rather say not. I say it the way I do, because none of these Entity's I went to for help did a valid investigation into what I complain about, which if any of these places I went to for help wanted even try and say I was not telling the truth, they would perjure only themselves in or out of court because of the simple fact, that all of them knew that I was in my own yard and also never had a weapon on my person, and knew I had Witnesses and refused to talk with them also and still treated me as if I had than Broken the law while knowing the only ones who had than broke the law, was the Officers/ in Officials involved in the incident.
- 6) And to recover damages for the time that I had to spend in Jail for something I should had never been In there for In the first place and the "Unnecessary Fees"(money) that has been spent, that should have never had to be spent, also the Psychological Stress all of this has caused me and The Harassment that has persisted through the last past two years, just because of trying to say/do anything about what happened to me and to recover Punitive Damages for what has been done to me throughout this Ordeal, also the damage this has done to my reputation in my neighborhood and in public and hopefully, this won't happened to nobody in Charlotte anymore and people will be treated with more respect when dealing with Law Enforcement and the City Of Charlotte.

### D. CAUSE OF ACTION

I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations:

- a: (1) Count I: False Imprisonment



## (2) Supporting Facts

False Imprisonment on "three" the different accounts. 1) First on the night of December 7, 2008 I was at my home outside smoking a cigarette close to the bottom of my driveway, When Officer Holding pulled up in the middle of the street, in front of my home with no headlights or blue lights on his car flashing and jumped out of his car and pulled his gun on me and told me to come top the top of my driveway with my hands up, I asked him what was the problem and did as he asked at the same time, upon me getting to the top of my driveway he still had his gun pointed at me and asked where is your gun at, so I told him that its (the gun) is on top of the white car in my driveway and then he said that he wanted to put me in handcuffs, at that time I became upset and I kept asking "what is the Problem and saying that I'm at my Home and haven't done anything wrong and this what He (officer Holding) was doing didn't seem right, so what's going on" ? He (Officer Holding) said that he wanted to put me in cuffs, so that he could get my Gun of the car that I told him it was on in my driveway where I was smoking the cigarette at, so I let him put me in the Handcuffs, but when I did that he didn't go and get the Gun like he said he was going to, and he (officer Holding) started trying to drag me out of my yard/driveway into the street which he succeeded in doing so, upon reaching his patrol car in the middle of the street, still with no headlights nor blue light flashing, He then called in for back-up, Officer Wilson arrived maybe about two minutes later, while Officer holding was searching me and going through my pockets and coat and everything that I had on..... I kept yelling "this isn't right" trying to get someone's attention at my house, then my neighbor Heard me and came outside, Once Officer Holding Noticed that Someone had than came outside and when my Neighbor asked me was I a alright, so I told my neighbor to go and knock on the door to my house and tell my mother and family what's going on outside, Officer Holding then starting Slamming me up Against his patrol car repeatedly, until the point where my leg had than been injured and I couldn't walk on it and had to hop on it and he Officer Holding told Officer Wilson I want to put Him In the back of my Car since people are coming outside, upon me hopping to the back of officer holdings patrol car with him and Wilson he told me to sit down in the back of his and I seen my mother coming out our front door, so I yelled to my mother and told her I'm up here in the street to get her attention, Officer holding then punches me in the stomach, in front of officer Wilson and my neighbor that had knocked on my door and told my Sister to go and get my mom ..... Then after I said some words to officer Holding for punching me in the stomach, I sat down in the car on my own with any assistance from either officer .... After me being in the back of his car for a short while, Officer Holding then went on top on his hood to his patrol car where all my property was, that he took out my pockets and took the keys I had and unlocked the doors to a parked vehicle in my driveway and him and officer Wilson and other Officers that were out there that night all searched and went all through the Car and the yard to my home and my neighbors yard as well ..... Then finally Officer Holding and Wilson came back to the back of the patrol Car where I had than been sitting for about 15-20 minutes now and asked me while I was talking to my mother and sister, "Where Is The Gun" and I told them "I Already Than Told Holding Where The Gun Is" Then Officer Holding replied and said "Oh He Said The Gun Is On Top Of The White Car In The Driveway" .... Which not even 20 seconds after they (Officers) were taking pictures of it and then officer Holding put It In his truck and we left ... Not to Jail, But up to Nations Ford Elementary School and sat there for about almost 30 minutes up until I seen Some guys walking through school and asked to have my handcuffs loosed and yell and told the guys what my name was and I didn't know what these officers planned on doing to me and to call 911. After that, I was at the jail within the next 5 to 7 minutes ....

Upon arriving to jail I told the Jail Staff that I couldn't Walk on my Leg and they (Jail Staff) refused me medical treatment based on what Officer Holding told them about me and that I was Lying about my Leg and nothing was wrong with me, which caused me to Suffer in jail with that pain for three days of hopping around ..... Then on January 8, 2009, a couple of days after I filed a complaint with Internal Affairs about Officer Holding. Officer Holding, Wilson, Sergeant Malone, and others about 10 to 13 in all came to and enter my home and told me and my mother that they had a warrant, but wouldn't tell us what for nor show it and I never found what the Warrant was for or what I was being taken to Jail for until I got to jail. Then again on August 25, 2009 I was illegally ambushed/stopped at a red light and snatched out of the car I was driving at Gun Point by Officer Triola, Earls, and Wilson was the scene once again and others of the same department (Steel Creek Division) which I am Still having problems with to this day, and Then taken to Nations Ford Elementary School again for about 30 minutes to an hour before being taken to jail, which was Cruel And Unusual treatment ..... In addition, I was also charged with other Crimes that were also Voluntarily Dismissed, before I even had my Chance to answer/plea to them in court, or to say anything about them for that matter ....

b: (1) Count II: Malicious Prosecution

(2) Officer Holding and Wilson and the other officers all knew that I did not have a Concealed Handgun on my Person the night of December 7, 2008 and still all allowed for me to be charged with that charge anyway ... And then again on January 8, 2009 when all of these officers, plus another 9 to 10 more came to my home and arrested me again, knowing that I never did have a concealed handgun from the start yet still did so anyway, right after my filing of a complaint to Internal Affairs ..... Even Up to August 25, 2009 when I was illegally Stopped leaving a Gas Station, yet again I was allowed to be placed in jail again, with Officer Holding and Wilson knowing for a fact that I never had carried a Concealed handgun the night of December 7, 2008 and still decided to stick with the lie they Both told and allow for me to be put through all of this back and forth to jail stuff and harassment and never did stand up and tell the truth about the Night of December 7, 2008. Along with Charlotte Mecklenburg Police Department Chief Rodney Monroe, Internal Affairs, The Citizens Review Board, Sergeant Malone, and Officer PN Hildenbrand badge # 1085, officer SP Davis badge # 0513 and GP Brown Jr. badge # 1686 for approving the Incident. In addition, the Other Charges I was charged with that I never got a Chance to speak About in Court were also Voluntarily Dismissed as Well ....

c: (1) Count III: Excessive Use Of Force

(2) On The night Of December 7, 2008, Officer Holding had no reason to Slam me all up against his patrol car or to punch me in my stomach, when I was no threat to him or officer Wilson by just yelling to get someone's attention of what was going on in front of my home, I never resisted officer holding and never made any threats to him or Wilson neither ..... And then On August 25, 2009 When I was snatched out of the car I was driving and Slammed up against a patrol car by officer Triola when I Did nothing to resist him either ..

d: (1) Count IV: Violation Of Second Amendment/ Civil Right

(2) When Officer Holding charged me with the Crime of Carrying a Concealed weapon, He So To Try an take my Civil right away from me and deprive me of having my weapon and what He done was already premeditated, That's the reason why he asked me "What Kind Of Gun I Had" the First time I ever saw him, but didn't Bother to make a Scene or to check and see if it(the gun I had) was legal or not or anything for that matter, because he had to already knew that it(my Gun ) was legal and had made up in his mind then that day, that he was going to try and find a way to take it(my Gun) from Me and from Having It ..... And Officer Wilson, knew that I had not than Carried a Conceal weapon nor had a Conceal weapon on me when he got there ... Yet my weapon was still taken from me, I was still taken to jail .

e: (1) Count V: Intentional Infliction Of Emotional Distress

(2) Officer Holding did what he did to me on December 7, 2008 and then again, once him and the other officers seen that I had than filed a complaint against Holding and their division they(Officer Holding and Other's from Steel Creek Division came to home with 10 to 13 officers but parked their police car all the way up the street from my house where I live to let the neighborhood see what / and where they were going to and then busted up into our home through the front door with no warrant nor telling us why they were at our home to get back at me for filing a complaint on Officer holding for what he had than done ..... And there's been Numerous other accounts where I've been Pulled Over for No reason and Harassed behind this incident that happened in front of my home on December 7, 2008 by Officers from the Steel Creek Division, Just to cause me Headache's and stress .... Moreover, This Been Going on for Almost two years now ....

## f: (1) Count VI: Failure To Produce An Arrest Warrant

(2) Officer Holding, Wilson and Officer Sergeant Malone and Others from the Steel Creek Division all Came to my Home on January 8, 2009 and Busted into our home Not Showing Me or the Home Owner a arrest warrant after Being asked for a Warrant more than three different times, and not even saying what (the Warrant) it was for .....

## g: (1) Count VII: Entering Of Home Without Search / Or Arrest Warrant

(2) When Officers of The Steel Creek Division including Officer Holding, Wilson, and Malone and more came to My Home On January 8, 2009 They Busted into the Front door of our Home without anyone's Consent to Come In and without a Warrant in hand/ with them, therefore failing to produce a warrant .

## h: (1) Count VIII: Obtaining Arrest Warrant As Means Of Harassment

(2) The Warrant that Officer Holding and the others from the Steel Creek Division said they had, but didn't produce/show the night of January 8, 2009, Officer Holding only obtained, Because I filed a Complaint against him for what He did to me back in December 2008 in front of my home, I know this because as Soon the warrant was issued , Him and His Buddy's (fellow officers) at the Steel Creek Division All Showed up to my Home together, and then busted into our home also, And didn't even Show the Warrant they said they had. And I was supposed to have my Court date for the charges I was charged with on December 7th on the 9th of January of 2009, The Next Mourning, following the night they busted into our home, which was January 8th. I guess to keep me from going to court and telling the Judge what happened that night...

## I: (1) Count IX: Trespass And Being A Nuisance

(2) The Night of December 7, 2008 Officer Holding had no reason to be on my property nor in the middle of the street in front of my home with no Headlight nor Blues light flashing, making my street a Danger zone for passing cars going and coming from up and down the roadway that night at my Home making a uncalled for Scene as which He Did anyway. And None Of The Officers That Came To My Home on January 8, 2009 should have been there causing the scene that they did as well, but all because of Officer Holding and Wilson, and the most corrupted of them all sergeant Malone this was caused as well.

## j: (1) Count X: Harassment And Family Harassment

(2) When Officer Holding Showed up to my Home On December 7, 2008 it was as a Means of Harassment, because I processed that Gun I Own and He wanted to harass me about/for it. And Also when they came to my home Officer Holding And Wilson And Malone it Was to harass me and my family over the fact that I had than told Internal Affairs about what Happened at My Home the Night of December 7, 2008 and just to get back at me, which not only me but my family had to suffer for also ....



k: (1) Count XI: Violation Of Fourth And Fourteenth Amendment /Civil Right

(2) On the Night of December 7, 2008 When Officer Holding Came to my Home and Illegally Searched me and Took me into Custody and my weapon and Illegally Searched my yard and the Vehicle that was parked in the driveway without anybody's consent, then on January 8, 2010 When Officer holding, Wilson, and Malone Came onto my Property and Busted into our home without having a warrant of any kind with them. Then again, On August 25, 2009 When Officers Earls, Triola, Riddle, Wilson, and Holding all Searched the Vehicle I was driving Illegally and towed the Car illegally, while knowing that someone was there to take the Car Home ....

l: (1) Count XII: Civil Conspiracy

(2) December 7, 2008 when I was Charged with Carrying A Concealed Weapon , Officer Holding And Wilson and the Other Officers that were out at my Home that Night all knew I didn't have a Concealed Weapon, but still I was Charged with it and Later, Chief Rodney Monroe, Officer Sergeant Malone and Hildenbrand also knew the same and Then Internal Affairs and Then Citizens Review Board of The City Of Charlotte all knew the Same to be truth, But All refused to Do Anything About it Hoping that I Would Take a Plea Bargain, and just give up .... That's goes for January 8, 2009 and August 25, 2009 Everybody and everyone involved all knew that I never had a Carried A Concealed Weapon and that I Was At My Home In My Yard And everyone refused to Do Anything About The Situation.....

m: (1) Count XIII: Slander/Defamation Of Character/ Libel

(2) From December 7, 2008 through January 8, 2009 Officer Holding and Wilson didn't do nothing but tell Lies Against me and had me Suffer for it ... On four different Charges on the 7th of December and another charge on January 8, 2009 for a FELONY concealed weapon charge, with them both of them knowing that I never had a Concealed Weapon on me from the start of all of this on December 7, 2008 which caused me to be charged with two counts of a concealed weapon because the other misdemeanor concealed weapon charge was pending in court. Alone with the fact that officer Holding charged me with reckless driving / willful wanton disregard / and resisting arrest the night of December 7, 2008

n: (1)Count XIV: Assault and Battery

(2) When Officer Holding Punched me in the Stomach and Slammed me all up against his patrol car the night of December 7, 2008 in front of my home. In front of Officer Wilson and My Witness as well.

o: (1) Count XV: Abuse Of Process

(2) Officer Holding came to my home and did what he done to me out of pure malice and without reason and then tried his best to make sure that I would be found guilty for something that he and all the rest (other Officers, people who had than been informed) knew I didn't Do, and wasted a whole year of the courts time and my time from my life as well....

p: (1) Count XVI: Violation Of 42 U.S.C 1983 Chapter 21

(2) Because they (police) retaliated against me for the filing of a Internal Affairs Complaint in a effort to silence me from talking to anyone else about they had than done to me, and also by depriving of my civil right to be able to Carry a Firearm and holding it to keep me from getting it and trying to keep me from getting another one in the future and carrying it as well.

q: (1) Count XVII: Violation Of 42 U.S.C 1985 Chapter 21

(2) Officer Holding, Wilson and Malone everyone else all Knew what They were doing When I Complained about the Situation and all tried there best to act as if I was the Guilty one And Not Officer Holding in an effort to make sure that I never got my Gun Back, and That the Public wouldn't found out that They were in the wrong for they did to me, and when officer Sergeant Malone and Chief Rodney Monroe Did Find Out What really Happened, they refused to Discipline Officer Holding And Wilson For they had than Done .....

r: (1) Count XVIII: Negligence At Common Law

(2) None Of The Officers took the time to See What They Where Charges With Or Never Even told me What I Was being Charge with the Night Of December 7, 2008 or January 8, 2009 and Chief Rodney Monroe or either Officer Sergeant Malone Or Hildenbrand could have Cleared it all Up When it Came before them to their Attention what had than Happened ..... Moreover, None of them Nor Internal Affairs or The Citizens Review Board did anything ...

s: (1) Count XIX: Negligence In Supervising: Hiring and Training Subordinates/Employees

(2) Officer Chief Rodney Monroe Never Did anything About the Matter, even after knowing that I had Than been Charged with a Crime that I shouldn't have been in the first place and Had than Been Beaten by one his officers and Was Continually being Harassed by the same officers also how they Busted into My Home without any warrant and never did anything about it to stop it or discipline him nor did he ever return any of the phone I placed to him at his office and also left with his secretary .

t: (1) Count XX: Negligent Infliction Of Emotional Distress

(2) All Of these Officers Involved and Chief Rodney Monroe, Internal Affairs and The Citizens Review Board Of The City Of Charlotte Could Have Been put a Stop to all of This before It Progressed to As much as it Did But refused to, causing me to Suffer more than I should have had to And More Than I had Already At the point these ones found out and They all Still Refused to do anything about it .....

## E. INJURY

I have been injured by the Action of the defendants, In the following ways

- 1) I have had injuries to my leg tissue caused by officer holding excessive force
- 2) I have Suffered from depression caused the night of December 7, 2008 And throughout this whole ordeal
- 3) I have had damage to my reputation caused by the officers from the steel creek division on numerous occasions, to the point where my Neighbor's and other do not even speak to me anymore.
- 4) I have had Emotional Injuries/ Distress, always wondering why would the police such things just to cover themselves up and not being Able to get sleep at night from staying up all night thinking about it.
- 5) Psychological distress from all the trips back and forth to jail and to court, just to end up never getting a chance to tell a Judge what happened to me and to have my witnesses speak in court, so that the truth could be told behind of all of this
- 6) I have suffered loss of liberty because of Charlotte Mecklenburg Police Department holding my weapon and refusing to return it to me, even after knowing that the concealed weapon charge that they had against me had

already been dismissed. This would have never happened if it were not the false charges of carrying a concealed weapon had never been filed against me from the start.

7) I have lost out on bail money spent to get out of jail on two accounts, and money spent to keep going back and forth down town to the court and to the police station to check about my property their holding

8) Mental Anguish from this having to deal with all this repeatedly

9) Emotional Distress Of Family, from them Having to go through all of this as well, trying to be a Court For me And Bringing money down town to the jail for me, and having guns and taser's waved in their face by police in their own home, coming after me . For going and having to get in touch with bail bondsman all kind of thing, like having their car towed for no reason and having their cars searched illegally and having things in their broken by police and just too much stuff to list .....

Have you previously sought informal or form relief from the appropriate administrative officials regarding the acts complained of in Part D ?

Yes

I tried to get Internal Affairs to Discipline Officer Holding Along with Chief Rodney Monroe, and the Citizens Review Board of the City of Charlotte, and nothing was done. Then In the Summer of 2010 I had a Lawyer by The Name of Carnell Johnson Send a Letter to (CMPD) Charlotte Mecklenburg Police Department about the Matter ... Mr. Johnson Said that it would be better to get in touch with Them Charlotte Mecklenburg Police Department about the matter and to see if it could be settle out of court.

Mr. Carnell Johnson is No Longer representing as my Lawyer, because he did not want to represent me in court, due to the fact that I don't have a Job at this moment in my life.

#### G. REQUEST FOR RELIEF

I feel as if I am entitled to receiving my Property back from Charlotte Mecklenburg Police Department and to have the bail money spent on my behalf returned, and all other costs associated with the charges that were brought up against me in both cases and to have these same officers bought up on charges for the things they have done, and if They decide that they are willing to settle this case without Court being Necessary, we do so with a Mediator and if they are not Willing to settle, that the Court based on The Evidence will Order the Defendants to Settle it, So That the Federal District Court time Doesn't have to wasted like the Mecklenburg Co. Court time was. In addition, that this Behavior from Charlotte Mecklenburg Police Officers and Officials could be put to a Cease against me and any others in the future and the harassment could stop that continues to go on with those who try an stand up for what is right. In an effort to try an stop what has happen to me from happening to anyone else in the future. And the reason why I set the demand at the amount (\$25,000,000.00) I did is because of the fact that all of the Officers involved, including the Chief of Charlotte Mecklenburg Police Department knew the facts of my situation, along with all the documents pertaining to it and refused to handle the problem that still exists because of their refusal to do anything about it. While allowing Officer Holding to continue to harass me along with officers from their division (Steel Creek) and to produce false documents about me and slander my name and destroy my reputation even more. Then I went as far as to talk with Internal Affairs on numerous occasions and even to get in touch with the Citizens Review Board of the City Of Charlotte also and they all denied the facts presented to them and that I should have never been charged with the things that I was and that Officer Holding no reason to be at my home and on my property and was in the wrong for assaulting me and that Internal Affairs produced false documents to cover up the fact that I had witnesses at my home the night of December 7, 2008 that witnessed what took place at/in front of my home and even went as far to say that they took a statement from me, when they never did ! In addition, the Citizens Review Board even refused to speak/talk with my witnesses of that night in an effort, to just able to say that they neither spoke to no witnesses involved, knowing that I already inform the Citizens Review Board that my witnesses could be there at the meeting that was held. It's just that this kind of disrespect for a citizens life should not occur when Officers of the law are supposed to protect and serve citizens and up hold the law, which officers should know right from wrong just as much, any other adult should. Let along the ones that are placed in position to supervise their officer's conduct, that refuse to discipline and act on one of their employees when they know they should and not try to cover up their mistakes, and allow others to suffer

from their misconduct.

### **C. NATURE OF CASE**

**Why are you bringing this case to court? Please explain the circumstances that led to the problem.**

---

---

---

---

### **D. CAUSE OF ACTION**

**I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)**

**a. (1) Count I:** \_\_\_\_\_

**(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)**

---

---

---

**b. (1) Count II:** \_\_\_\_\_

**(2) Supporting Facts:**

---

---

---

### **E. INJURY**

**How have you been injured by the actions of the defendant(s)?**

---

---

---

---

---



## F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES \_\_\_ NO ✓

If your answer is "YES", describe each lawsuit. (If there are more than one lawsuits, describe additional lawsuits on additional separate pages, using the same outline.)

**1. Parties to previous lawsuits:**

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

**2. Name of court and case or docket number:**

\_\_\_\_\_

**3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Issues raised:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. When did you file the lawsuit? \_\_\_\_\_**

**Date: Month/Year**

**6. When was it (will it be) decided? \_\_\_\_\_**

Have you previously sought informal or form relief from the appropriate administrative officials regarding the acts complained of in Part D?

YES \_\_\_ NO \_\_\_

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was

not sought.

---

---

---

---

**G. REQUEST FOR RELIEF**

**I believe I am entitled to the following relief:**

---

---

---

---

---

---

**JURY TRIAL REQUESTED**

YES ☒ NO ☐

**DECLARATION UNDER PENALTY OF PERJURY**

**The undersigned declares under penalty that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.**

Executed at Charlotte, NC on 11-16-10  
(Location) (Date)

Charmaine Barker  
Signature